



Jeb Bush
Governor

September 19, 2000

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

Mr. Chris Oynes
Regional Director
Minerals Management Service
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

Dear Mr. Oynes:

The Minerals Management Service (MMS) is presently working to revise regulations contained in 30 CFR 250 Subpart B, Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Exploration and Development and Production Plans. In order to assist in developing a rule which is both clear to the applicant and ensures that adequate information is available in a timely manner for the MMS and affected states to make informed decisions, we offer the following comments. These comments are based on our previous reviews of OCS plans of exploration and development and production as well as the recent NTL No. 2000-G10 which serves as the interim guidance document on preparing Exploration Plans (EP) and Development Operations Coordination Documents (DOCD).

It has been Florida's experience in reviewing OCS plans that the current review process does not allow for comprehensive review of all project components and their resulting impacts. There should be better synchronization and coordination of the reviews under the Outer Continental Shelf Lands Act (OCSLA), the National Environmental Policy Act (NEPA), and the Coastal Zone Management Act (CZMA) to avoid segmenting this process. Although the 1999 revision to 30 CFR 250.203 and 250.204 is a significant improvement toward ensuring comprehensive reviews of projects requiring environmental impact statements under NEPA, other changes are still needed. We strongly recommend that the revised rule provides for a comprehensive and coordinated review process that ensures that the requirements of all of these laws are met.

Regardless of whether an EP, DOCD (western Gulf) or Development and Production Plan (DPP – eastern Gulf) is being submitted, sufficient and adequate information and analyses for determining the effects of the proposed activities on coastal and marine resources must be provided in the original submittal. An incomplete and inadequate initial submittal results in the piecemeal receipt of information and a fragmented review process, thus making it extremely difficult to understand and assess potential impacts.

Mr. Chris Oynes
September 19, 2000
Page Two

Comprehensive and adequate information includes:

- thorough descriptions of all activities to be conducted including their exact locations, types of equipment to be used, installation techniques, resulting discharges, and any other aspect of the proposed plan that results in direct or indirect environmental impacts,
- complete descriptions of the biological, physical and as appropriate social environments including discussions of the most recent published and unpublished literature describing resources that may be affected,
- clear concise maps drawn to an appropriate scale depicting all proposed activities overlaid on biological, physical and geologic resource information collected from photodocumentation and geologic/geohazard surveys, as well as other site specific information which may be collected,
- diagrams and figures which are clearly annotated and of a sufficient, legible scale, and
- comprehensive analyses of the direct, indirect, and cumulative impacts of the full suite of activities to be conducted on the biological, physical and social environment, including any ancillary activities such as pipelines.

Enclosed are comments regarding NTL No. 2000-G10. While these comments are specific to that NTL, they also offer important points that should be considered in developing a comprehensive and concise revised 30 CFR 250, Subpart B rule.

We appreciate the opportunity to work with your agency on the development of this revised rule and look forward to discussing these issues at the September 21 meeting with your staff. In the meantime, should you have any question, please feel free to call Carliane Johnson, Debby Tucker or me at (850) 487-2231.

Cordially,



Lynn Griffin
Environmental Administrator
Legislative & Governmental Affairs

Enclosure

cc: Bonnie Johnson, MMS
George Henderson, FWCC
Jasmin Raffington, DCA

State of Florida – Comments on NTL No. 200-G10
Information requirements for Exploration Plans and Development Operations
Coordination Documents

Page 3 – the State of Florida requests the opportunity to work with the Gulf of Mexico Region staff in developing guidelines for DPP's.

The discussion of a "revised plan" identified numerous changes to an approved plan, including movement of well location or onshore support base, which are considered revisions. These changes do not require a new permit and, therefore, are not subject to additional review by the state. However, these types of changes in plans can result in new and/or different impacts from those previously identified. Therefore, revisions, which cause new and/or different impacts from those previously identified, should be subject to additional review and permitting as determined by both the MMS and the affected state. In addition, it is important that complete information about all pipeline routes and impacts be included in DOCD's so that comprehensive reviews can be made. Revisions to pipeline routes should be subject to additional state review.

Number 5 identifies "significantly increase the amount of wastes to be handled or discharged" as a criterion for determining a revision to an approved EP or DOCD. No definition of "significantly" is given. This should be defined to indicate an increase which results in increased or different impacts from those previously identified in the approved plan as determined by the reviewing parties.

Page 4 - number 8 notes that a revision is required for activities which are to be conducted under an approved plan when more than ten years have elapsed since approval. While a ten-year period maybe appropriate in certain cases, in other cases natural resource information could significantly change making this timeframe too long. We recommend that this be changed to a maximum of five years with the opportunity for consultation with the affected states on a case-by-case basis. This would allow for reexamination of consistency findings as necessary.

Copies of EP's and DOCD's – 1. It should be made clear that all plans for activities in the Eastern Gulf of Mexico OCS planning area affect the State of Florida.

Page 5 – Under the discussion "Information Requirements for EP's and DOCD's" the statement is made that "you may reference information and data discussed in other documents previously submitted or otherwise readily available to MMS." This should be modified to clarify that all parties reviewing the plan, including federal agencies and states, have the documents previously submitted or readily available to them as well. If a document is obscure, it should be summarized or provided to MMS and affected parties. Such information could be critical to state reviews of plans for consistency with coastal management programs.

Page 7 – Lease term pipelines are mentioned as necessary for inclusion in discussions of the project description, objectives and schedule. However, no mention is made of the export pipeline if one is to be used. Discussions of the impacts of the proposed project,

including the location and installation methods for all pipelines associated with the activity, must be included. Without this information, it is impossible to accurately determine the impacts of the project. In addition, the consistency of the project with an affected state's coastal management program cannot be determined without the detail regarding pipelines as required by 10 CFR 930.77.

Page 8 – Under 'New or unusual technology' it is stated that discussions of new or unusual technology that may be used in the project "may be omitted from the public information copies of the EP." If the new or unusual technology affects the environmental impacts of the project, causing either more or less impact, then it should be discussed.

Pages 27 and 28 - Statements are made that the GOMR will deem incomplete an EP or DOCD that fails to include a required Environmental Report, Consistency Certification or specified Special Environmental Information. It is our understanding that the MMS will propose to extend the timeframes for determining whether a plan is deemed submitted or not by an additional 5 working days. This additional time should help the MMS in determining not only if the pieces of information required are actually included in the submittal, but also the adequacy of the information included in the EP or DOCD. It should be made clear in the rules, and any resulting NTL's, that inadequate or insufficient information elicits the same incomplete determination as actual missing information. If inadequacy of information is determined by MMS after a plan has been "deemed complete" there should be provisions for reversing the completeness decision. In addition, because levels of information required are different among the separate planning areas, the rule may need to address planning areas differently.

Page 36 - A. Introduction. It should be made clear that information included with a specific plan must be accurate and the most currently available. As the guidelines are presently written, the operator is allowed to use the most current and accurate information available at the time the document is prepared. This leaves a gap that has presented problems for the state's review of some plans. For example, we once reviewed a plan that referenced five-year old fisheries data, even though the state had fisheries data available from the year prior to the plan being submitted.

Page 37 - The statement is made that a plan should "include probable onshore location of terminals for DOCD's." Without knowing the exact location of the export pipeline and onshore terminals, the environmental impacts of the project cannot be determined and consistency of the project with the coastal management program cannot be made. Therefore, the rule and NTL's should require this information to be finalized prior to submitting the plan.

Page 38 – m. Maps. "Suitable" should be more accurately defined to include scales and the need to overlay the proposed project layout over biological and physical resource data.

Page 39 – Under (1) Environmental Geology and Hazards it is noted that “a general description of geology and bathymetric map or other suitable presentation of seafloor relief” is required. Bathymetric maps should always be required in addition to site specific geological reports with side scan sonar and subbottom profiler data.

Page 42 – 7. Appendices. The discussion here requires the operator to append “any available information concerning biological and endangered and threatened species surveys” to the Environmental Report. Is this referring to surveys such as the “live-bottom” survey? While it may be appropriate to append the actual survey methods and findings (i.e., data) to the report, it is more important to ensure that the results of these types of surveys are adequately discussed in the text of the report by describing the affected environment, fully characterizing benthic habitat types, and quantifying impacts.

Page 43 – The statement is made that “a State that considers itself to be an affected State may request the submission of an Environmental Report and Consistency Certification in those cases where activities described in a plan are likely to affect any land or water use of the coastal zone of that State.” Please clarify this statement and its implications to Florida.